# **PROOF**

# STATE OF IOWA

# **House Journal**

**TUESDAY, FEBRUARY 8, 2011** 

Produced daily by the State of Iowa during the sessions of the General Assembly. (The official bound copy will be available after a reasonable time upon adjournment.)

# JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twenty-first Session Day

Hall of the House of Representatives Des Moines, Iowa, Tuesday, February 8, 2011

The House met pursuant to adjournment at 8:33 a.m., Speaker Paulsen in the chair.

Prayer was offered by Pastor Dennis Morey, First Presbyterian Church, Oskaloosa. He was the guest of Representative Vander Linden of Mahaska County.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Andy Young, Page from Clarion.

The Journal of Monday, February 7, 2011 was approved.

#### INTRODUCTION OF BILLS

House Joint Resolution 11, by committee on commerce, a joint resolution nullifying an administrative rule of the Iowa finance authority relating to the Iowa jobs program, and including an effective date provision.

Read first time and placed on the calendar.

<u>House File 212</u>, by committee on education, a bill for an act relating to school district dress code policies and including effective date provisions.

Read first time and placed on the calendar.

House File 213, by Helland, a bill for an act relating to the meetings and actions of the governing boards of certain nonprofit corporations and horizontal property regimes and including applicability provisions.

Read first time and referred to committee on judiciary.

House File 214, by Hunter, a bill for an act abolishing the declaration that the English language is the official language of the state of Iowa.

Read first time and referred to committee on state government.

<u>House File 215</u>, by Horbach, a bill for an act relating to employer credits for overpayments of weekly workers' compensation benefits.

Read first time and referred to committee on labor.

House File 216, by Hunter, a bill for an act requiring employers to provide employees with meal periods and rest periods and providing penalties.

Read first time and referred to committee on labor.

<u>House File 217</u>, by Horbach, a bill for an act relating to the award of penalty benefits in workers' compensation cases.

Read first time and referred to committee on labor.

House File 218, by M. Smith, Wessel-Kroeschell, Murphy, Hanson, Kelley, Gaines, Isenhart, Berry, Cohoon, Thede, Willems, Heddens, Hall, Kressig, and Steckman, a bill for an act relating to social work, including the licensure of social workers and the creation of a licensed social worker loan repayment program and a revolving fund.

Read first time and referred to committee on **state government**.

<u>House File 219</u>, by J. Taylor, a bill for an act prohibiting the use of credit information to underwrite or rate risks for private passenger automobile insurance, providing penalties, and including effective and applicability date provisions.

Read first time and referred to committee on commerce.

House File 220, by Alons, Brandenburg, Schultz, Iverson, Pearson, Fry, Drake, Forristall, Huseman, Chambers, Pettengill, Hagenow, Massie, Shaw, Klein, Rogers, Sands, and Windschitl, a bill

for an act eliminating the requirement of an annual permit to acquire a pistol or revolver.

Read first time and referred to committee on public safety.

<u>House File 221</u>, by Alons, Huseman, J. Smith, Brandenburg, and Chambers, a bill for an act excluding individual retirement account conversions from the computation of net income and including retroactive applicability provisions.

Read first time and referred to committee on ways and means.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Horbach of Tama on request of Speaker Paulsen; H. Miller of Webster and Berry of Black Hawk on request of M. Smith of Marshall.

# CONSIDERATION OF BILLS Regular Calendar

<u>House File 126</u>, a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly, was taken up for consideration.

Isenhart of Dubuque asked and received unanimous consent to withdraw amendment <u>H-1070</u> filed by him on January 31, 2011.

Koester of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 126)

The ayes were, 90:

Abdul-Samad	Alons	Anderson	Arnold
Baltimore	Baudler	Brandenburg	Byrnes
Chambers	Cohoon	Cownie	De Boef
Deyoe	Dolecheck	Drake	Forristall
Fry	Gaines	Garrett	Grassley
Hagenow	Hager	Hanson	Hanusa
Heaton	Heddens	Hein	Helland
Hunter	Huseman	Isenhart	Iverson

Jacoby Kajtazovic Kaufmann Jorgensen Kearns Kelley Klein Koester Lukan Kressig Lensing Lofgren McCarthy Lykam Mascher Massie Miller, L. Moore Muhlbauer Murphy Olson, S. Paustian Oldson Olson, T. Raecker Pearson Petersen Quirk Rasmussen Rayhons Rogers Sands Smith, J. Schulte Schultz Shaw Smith, M. Soderberg Steckman Sweeney Taylor, J. Tjepkes Thede Thomas Upmeyer Van Engelenhoven Vander Linden Wagner Watts Wenthe Wessel-Kroeschell Willems Winckler Windschitl Wittneben Wolfe Worthan Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 10:

Berry Gaskill Hall Horbach
Miller, H. Olson, R. Pettengill Running-Marquardt
Swaim Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Upmeyer of Hancock, the House was recessed at 8:44 a.m., until 11:30 a.m.

The House reconvened at 11:32 a.m., Speaker Paulsen in the chair.

The House stood at ease at 11:33 a.m., until the fall of the gavel.

The House resumed session at 12:07 p.m., Speaker Paulsen in the chair.

<u>House File 189</u>, a bill for an act establishing a school district property tax relief supplement for certain fiscal years, making an appropriation, and including effective date and applicability provisions, was taken up for consideration.

Jacoby of Johnson offered amendment  $\underline{H-1075}$  filed by him and moved its adoption.

Byrnes of Mitchell rose on a point of order that amendment  $\underline{\text{H-}1075}$  was not germane.

The Speaker ruled the point well taken and amendment  $\underline{H-1075}$  not germane.

Jacoby of Johnson asked for unanimous consent to suspend the rules to consider amendment  $\underline{H-1075}$ .

Objection was raised.

Jacoby of Johnson moved to suspend the rules to consider amendment  $\underline{H-1075}$ .

Roll call was requested by Jacoby of Johnson and Hunter of Polk.

On the question "Shall the rules be suspended to consider amendment  $\underline{H-1075}$ ?" ( $\underline{H.F. 189}$ )

The ayes were, 37:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell Wolfe	Willems	Winckler	Wittneben

The nays were, 56:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Heaton
Hein	Helland	Huseman	Iverson
Kaufmann	Klein	Koester	Lofgren
Lukan	Massie	Miller, L.	Moore
Olson, S.	Paustian	Pearson	Pettengill
Raecker	Rasmussen	Rayhons	Rogers
Sands	Schulte	Schultz	Shaw
Smith, J.	Soderberg	Sweeney	Taylor, J.
Tjepkes	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker
			Paulsen

Absent or not voting, 7:

Berry Hanusa Horbach Jorgensen

Miller, H. Swaim Upmeyer

The motion to suspend the rules lost.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment <u>H-1076</u> filed by him on February 7, 2011.

Byrnes of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 189)

The ayes were, 73:

Alons Anderson Arnold Baltimore Brandenburg Chambers Baudler Byrnes Cownie De Boef Deyoe Dolecheck Drake Forristall Garrett Grassley Hager Gaskill Hagenow Hall Hanson Hanusa Heaton Helland Hein Huseman Iverson Jorgensen Kajtazovic Kaufmann Kelley Klein Koester Lofgren Lukan Massie Miller, L. Moore Muhlbauer Oldson Olson, S. Olson, T. Paustian Pearson Petersen Pettengill Quirk Rayhons Raecker Rasmussen Rogers Schultz Running-Marquardt Sands Schulte Smith, J. Soderberg Sweeney Taylor, J. Tjepkes Van Engelenhoven Thomas

Vander Linden Wagner Watts Wenthe Windschitl Wittneben Wolfe Worthan

Windschitl Mr. Speaker

Paulsen

The nays were, 22:

Abdul-Samad Cohoon Gaines Heddens Hunter Isenhart Jacoby Kearns Kressig Lensing Lykam Mascher McCarthy Smith, M. Murphy Olson, R. Steckman Taylor, T. Wessel-Kroeschell Thede Winckler Willems

Absent or not voting, 5:

Berry Horbach Miller, H. Swaim Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 184, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Willems of Linn offered amendment  $\underline{H-1073}$  filed by McCarthy of Polk and moved its adoption.

Roll call was requested by Willems of Linn and T. Taylor of Linn.

On the question "Shall amendment  $\underline{H-1073}$  be adopted?" ( $\underline{H.F.}$  184)

The ayes were, 37:

Abdul-Samad	Cohoon	Gaines	Gaskıll
Hall	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 58:

Anderson	Arnold	Baltimore
Brandenburg	Byrnes	Chambers
De Boef	Deyoe	Dolecheck
Forristall	Fry	Garrett
Hagenow	Hager	Hanusa
Hein	Helland	Huseman
Jorgensen	Kaufmann	Klein
Lofgren	Lukan	Massie
Moore	Olson, S.	Paustian
Pettengill	Raecker	Rasmussen
Rogers	Sands	Schulte
Shaw	Smith, J.	Soderberg
	Brandenburg De Boef Forristall Hagenow Hein Jorgensen Lofgren Moore Pettengill Rogers	Brandenburg Byrnes De Boef Deyoe Forristall Fry Hagenow Hager Hein Helland Jorgensen Kaufmann Lofgren Lukan Moore Olson, S. Pettengill Raecker Rogers Sands

Sweeney Vander Linden Worthan

Taylor, J. Wagner Mr. Speaker Paulsen

Tjepkes Van Engelenhoven Watts Windschitl

Absent or not voting, 5:

Berry Upmeyer Horbach Miller, H. Swaim

Amendment  $\underline{H-1073}$  lost.

Forristall of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Arnold

On the question "Shall the bill pass?" (H.F. 184)

Anderson

The ayes were, 59:

Alons Baudler Cownie Drake Grassley Heaton Huseman Klein Massie Paustian Rasmussen Schulte Soderberg Van Engelenhoven

Windschitl

Brandenburg Byrnes De Boef Deyoe Forristall FryHagenow Hager Helland Hein Iverson Jorgensen Koester Lofgren Miller, L. Moore Pearson Pettengill Rayhons Rogers Schultz Shaw Sweeney Taylor, J. Vander Linden Wagner Worthan Mr. Speaker Paulsen

Baltimore Chambers Dolecheck Garrett Hanusa Horbach Kaufmann Lukan Olson, S. Raecker Sands Smith, J. **Tjepkes** Watts

The nays were, 37:

Abdul-Samad Hall Isenhart Kelley Mascher Oldson Quirk Taylor, T. Wessel-Kroeschell

Wolfe

Cohoon Hanson Jacoby Kressig McCarthy Olson, R. Running-Marquardt Smith, M. Thede Willems

Gaines Heddens Kajtazovic Lensing Muhlbauer Olson, T. Thomas Winckler

Hunter Kearns Lykam Murphy Petersen Steckman Wenthe Wittneben

Gaskill

Absent or not voting, 4:

Berry Miller, H. Swaim Upmeyer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Helland of Polk, the House was recessed at 12:41 p.m., until 3:15 p.m.

#### AFTERNOON SESSION

The House reconvened at 3:22 p.m., Kaufmann of Cedar in the chair.

#### INTRODUCTION OF BILLS

House File 222, by committee on state government, a bill for an act to prohibit political telephone calls during the nighttime hours and making penalties applicable.

Read first time and placed on the calendar.

House File 223, by Watts, a bill for an act relating to filling vacancies in elective city offices.

Read first time and referred to committee on local government.

<u>House File 224</u>, by Heaton, a bill for an act providing for implementation of a voluntary licensure system for certain homebased child care providers.

Read first time and referred to committee on human resources.

House File 225, by Heaton, a bill for an act relating to the disclosure of relationships with pharmaceutical manufacturers by members of the medical assistance pharmaceutical and therapeutics committee and the drug utilization review commission.

Read first time and referred to committee on human resources.

House File 226, by Sweeney, Forristall, Drake, Worthan, Chambers, Soderberg, Alons, Schulte, Rayhons, Huseman, Anderson, Horbach, Van Engelenhoven, J. Taylor, Windschitl, L. Miller, Deyoe, Lofgren, and Iverson, a bill for an act relating to secondary level career and technical endorsements for persons holding a standard, master educator, or permanent professional teaching license and including effective date and applicability provisions.

Read first time and referred to committee on education.

<u>House File 227</u>, by Watts, a bill for an act deleting provisions requiring submission of an annual greenhouse gas emissions report by the department of natural resources.

Read first time and referred to committee on **environmental protection.** 

<u>House File 228</u>, by Watts, a bill for an act relating to greenhouse gas emissions by deleting specific references to such emissions.

Read first time and referred to committee on **environmental protection.** 

<u>House File 229</u>, by Chambers, a bill for an act excluding from the computation of net income military retirement benefits of certain retired veterans and including retroactive applicability provisions.

Read first time and referred to committee on veterans affairs.

House File 230, by Wagner, a bill for an act allowing the operation of certain motorboats on lake Macbride at any time.

Read first time and referred to committee on natural resources.

<u>House File 231</u>, by Willems, a bill for an act relating to public access to audio recordings of 911 telephone calls.

Read first time and referred to committee on public safety.

# CONSIDERATION OF BILL Regular Calendar

House File 185, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Willems of Linn offered amendment  $\underline{H\text{--}1074}$  filed by McCarthy of Polk and moved its adoption.

Speaker Paulsen in the chair at 4:00 p.m.

Roll call was requested by Willems of Linn and Mascher of Johnson.

On the question "Shall amendment  $\underline{H-1074}$  be adopted?" ( $\underline{H.F.}$  185)

The ayes were, 37:

Abdul-Samad	Cohoon	Gaines	Gaskill
Hall	Hanson	Heddens	Hunter
Isenhart	Jacoby	Kajtazovic	Kearns
Kelley	Kressig	Lensing	Lykam
Mascher	McCarthy	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Petersen
Quirk	Running-Marquardt	Smith, M.	Steckman
Taylor, T.	Thede	Thomas	Wenthe
Wessel-Kroeschell	Willems	Winckler	Wittneben
Wolfe			

The nays were, 60:

Alons Baudler	Anderson Brandenburg	Arnold Byrnes	Baltimore Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman Klein	Iverson Koester	Jorgensen	Kaufmann Lukan
Massie	Miller, L.	Lofgren Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes

Upmeyer Van Engelenhoven Vander Linden Wagner
Watts Windschitl Worthan Mr. Speaker
Paulsen

Absent or not voting, 3:

Berry Miller, H. Swaim

Amendment H-1074 lost.

Forristall of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 185)

The ayes were, 60:

Alons	Anderson	Arnold	Baltimore
Baudler	Brandenburg	Byrnes	Chambers
Cownie	De Boef	Deyoe	Dolecheck
Drake	Forristall	Fry	Garrett
Grassley	Hagenow	Hager	Hanusa
Heaton	Hein	Helland	Horbach
Huseman	Iverson	Jorgensen	Kaufmann
Klein	Koester	Lofgren	Lukan
Massie	Miller, L.	Moore	Olson, S.
Paustian	Pearson	Pettengill	Raecker
Rasmussen	Rayhons	Rogers	Sands
Schulte	Schultz	Shaw	Smith, J.
Soderberg	Sweeney	Taylor, J.	Tjepkes
Upmeyer	Van Engelenhoven	Vander Linden	Wagner
Watts	Windschitl	Worthan	Mr. Speaker
			Paulsen

The nays were, 37:

Abdul-Samad Cohoon Gaines Gaskill Hall Hanson Heddens Hunter Isenhart Jacoby Kajtazovic Kearns Kelley Kressig Lensing Lykam Mascher McCarthy Muhlbauer Murphy Oldson Olson, R. Olson, T. Petersen Quirk Running-Marquardt Smith, M. Steckman Taylor, T. Thede Wenthe Thomas Wessel-Kroeschell Willems Winckler Wittneben Wolfe

Absent or not voting, 3:

Berry

Miller, H.

Swaim

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Upmeyer of Hancock asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 126, 184, 185** and **189.** 

# **HOUSE FILE 218** REREFERRED

The Speaker announced that <u>House File 218</u>, previously referred to committee on **state government** was rereferred to committee on **human resources**.

# SPONSOR ADDED (House File 119)

Pettengill of Benton requested to be added as a sponsor of <u>House</u> File 119.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 8, 2011. Had I been present, I would have voted "aye" on <a href="House File">House File</a> 126.

PETTENGILL of Benton

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 8, 2011. Had I been present, I would have voted "aye" on <a href="House File 126">House File 126</a>.

RUNNING-MARQUARDT of Linn

# COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF HUMAN SERVICES

Mental Health Services System for Children, Youth, and their Families Report, pursuant to Chapter 225C.54(5), Code of Iowa.

#### SUBCOMMITTEE ASSIGNMENTS

**House File 30** 

State Government: Rogers, Chair; Jorgensen and Mascher.

**House File 41** 

State Government: Koester, Chair; Isenhart and Schulte.

**House File 55** 

State Government: Pettengill, Chair; Hunter and Schulte.

**House File 59** 

Transportation: Iverson, Chair; Lykam and Tjepkes.

**House File 65** 

State Government: Iverson, Chair; Hein and T. Taylor.

**House File 68** 

State Government: Koester, Chair; Gaskill and Jorgensen.

<u>House File 70</u>

Transportation: Tjepkes, Chair; Iverson and Lykam.

**House File 72** 

State Government: Hein, Chair; Hunter and Koester.

**House File 98** 

State Government: Rogers, Chair; Jorgensen and Wenthe.

**House File 99** 

State Government: Vander Linden, Chair; Hunter and Schulte.

**House File 129** 

State Government: Iverson, Chair; Hein and Isenhart.

**House File 140** 

State Government: Iverson, Chair; Hein and Wenthe.

**House File 178** 

Labor: Forristall, Chair; Hunter and L. Miller.

**House File 187** 

State Government: Drake, Chair; Jorgensen and Kajtazovic.

**House File 191** 

Human Resources: Fry, Chair; Hunter and Jorgensen.

**House File 193** 

State Government: Kaufmann, Chair; Lensing and Vander Linden.

**House File 196** 

Labor: L. Miller, Chair; Forristall and Willems.

**House File 197** 

Labor: Horbach, Chair; Kearns and Klein.

**House File 205** 

State Government: Koester, Chair; Lensing and Raecker.

**House File 206** 

Labor: Jorgensen, Chair; Hanusa and Willems.

**House File 210** 

Economic Growth/Rebuild Iowa: Schultz, Chair; Rasmussen and Thomas.

Senate File 7

Natural Resources: J. Smith, Chair; Baudler and Steckman.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

#### **House Study Bill 21**

State Government: Iverson, Chair; Mascher and Pettengill.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

# H.S.B. 74 Environmental Protection

Relating to recycling by repealing beverage container control laws, increasing littering fines, changing waste volume reduction goals, and making penalties applicable.

# H.S.B. 75 Environmental Protection

Relating to certain fees assessed for activities regulated under the federal Clean Air Act.

## H.S.B. 76 Natural Resources

Relating to snowmobile registration and permit fees.

# H.S.B. 77 Public Safety

Establishing a parole procedure for certain persons serving a class "A" felony sentence and including effective date provisions.

# **H.S.B.** 78 Commerce

Relating to the provision of telecommunications services to multipleunit residential buildings or complexes.

## H.S.B. 79 Commerce

Relating to matters under the purview of the division of banking of the department of commerce.

## H.S.B. 80 Commerce

Relating to indemnification provisions in construction contracts.

# H.S.B. 81 Local Government

Permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

#### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

W. CHARLES SMITHSON Chief Clerk of the House

#### COMMITTEE ON JUDICIARY

Committee Bill (Formerly <u>House File 63</u>), relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

Fiscal Note is not required.

Recommended Do Pass February 8, 2011.

**Committee Bill** (Formerly <u>House File 138</u>), relating to gubernatorial appointments made to a district judicial nominating commission.

Fiscal Note is not required.

Recommended Do Pass February 8, 2011.

Committee Bill (Formerly <u>House Study Bill 6</u>), relating to the release and satisfaction of judgments.

Fiscal Note is not required.

Recommended Amend and Do Pass February 8, 2011.

Committee Bill (Formerly <u>House Study Bill 43</u>), relating to instruments used to update the county transfer books and index maintained by the county auditor.

Fiscal Note is not required.

Recommended Amend and Do Pass February 8, 2011.

# AMENDMENT FILED

<u>H-1077</u> <u>H.F. 222</u> Hunter of Polk

On motion by Upmeyer of Hancock the House adjourned at 5:13 p.m., until 8:30 a.m., Wednesday, February 9, 2011.